

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LUCIANO TONELLI,

Plaintiff,

v.

BRIAN McGARVIE *et al.*,

Defendants.

Case No. C08-5190BHS/JKA

ORDER GRANTING
APPLICATION TO PROCEED *IN*
FORMA PAUPERIS AND
DIRECTING INSTITUTION TO
CALCULATE, COLLECT, AND
FORWARD PAYMENTS

The Court, having reviewed plaintiff's application to proceed in forma pauperis, (Dkt. # 1 and 4), does hereby find and ORDER.

(1) Plaintiff's declaration indicates he is unable to afford the court's filing fee or give security therefor. Accordingly, plaintiff's application to proceed as a pauper is **GRANTED**. **As set forth below, an initial partial filing fee will be collected, and plaintiff is required to make monthly payments of 20 percent of the preceding months income credited to his/her account until the full amount of the filing fee is satisfied.**

(2) Pursuant to 28 U.S.C. § 1915 and plaintiff's approved application to proceed *in forma pauperis*, the agency having custody of the above named plaintiff is directed to calculate an initial partial

1 filing fee equal to 20 percent of greater of -- the average monthly deposits to the prisoner's account or the
2 average monthly balance in the prisoner's account for the 6-month period immediately preceding the date
3 of this Order. The initial partial filing fee should be forwarded to the court clerk as soon as practicable.

4 Subsequently, if the prisoner's account exceeds \$10.00, each month the agency is directed to
5 collect and forward payments equal to 20 percent of the prisoner's preceding month's income credited to
6 the prisoner's account. In the event that the monthly payment would reduce the prisoner's account below
7 \$10.00, the agency should collect and forward only that amount which would reduce the prisoner's
8 account to the \$10.00 level. Please note that this \$10.00 limit does not apply to the initial partial filing fee
9 described above. Finally, the monthly payments should be collected and forwarded to the court until the
10 entire filing fee (\$350.00) for this matter has been paid.

11 (3) The Clerk is directed to send plaintiff a copy of this Order and the General Order, and a copy
12 of this Order along with a copy of plaintiff's Acknowledgment and Authorization portion of the IFP
13 application to the attention of the inmate account manager (IFP account manager) at the Washington State
14 Penitentiary.

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16 DATED this 1 day of May, 2008.

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18 /S/ J. Kelley Arnold
19 J. Kelley Arnold
20 United States Magistrate Judge
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